

Linda Lake  
Mary C. Selecky  
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TO: Linda Lake, Chair  
State Board of Health

Mary C. Selecky, Secretary  
Department of Health

FROM: Bill White, Assistant Secretary

SUBJECT: REVISION OF WAC 246-215 FOOD SERVICE

The purpose of this memo is to request the State Board of Health to file a Preproposal Statement of Inquiry (CR-101). This will initiate the broad public review and comment process and revision of Chapter 246-215 WAC, Food Service. The Board adopted the last major revision of these rules in 1992. Members of the food service industry and personnel in local health jurisdictions are requesting that many provisions of the rules be extensively reviewed and possibly revised to be more consistent with US Food and Drug Administration guidelines called the "Food Code."

The Department of Health solicited comments about the food service rules in September 2001 from a broad spectrum of the regulated industry and other partners in food safety. All but one comment recommended revisions to the rules. Many members of the food service industry are interested in having more consistent rules across jurisdictional boundaries. However, in many instances, local health jurisdictions and some members of the food service industry prefer current state provisions to those in the Food Code. Several issues are controversial.

If the Board chooses to initiate the CR-101 of the food service rules, the Department recommends the assembly of a broad-based advisory committee of food service stakeholders and food safety partners to assist in review of the rules. The Department will ask the advisory committee to evaluate the provisions of the Food Code compared with the current state rules and help decide whether to propose adopting the Food Code by reference or to help interpret the state rules, as the 1976 edition of the US Public Health Service "Food Service Sanitation Manual" is used now.

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The Department expects that this will be an extensive review and comment process, which will take approximately two years. After that, the Department will work with the Board to prepare a proposed revision to the rule with the assistance of the committee, solicit public comment at workshops around the state, and prepare the analytical documents required by the Administrative Procedures Act. The Department expects that a proposal for major revision of the rule will be ready for public hearing approximately four years after initiation of the process.

A draft CR101 is attached if the Board chooses to initiate the rule revision process for the food service rule. Also attached is background information on the status of the Department's proposal to revise the rule.

Attachments

cc: Patty Hayes  
Don Sloma